

REMARKS

By the foregoing amendment, applicant has directed the preamble as suggested by the examiner so as to refer to “the floor” of a preceding claim. Such amendment moots the rejection of claims 2-5, 7, 11-12 and 20-21 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph.

Reconsideration of the previous rejections is respectfully requested in view of the following comments.

Claims 1-5, 7, 11-12 and 20-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Svenska (SE 8202375-5) in view of Glover et al (U.S. Patent 5,054,256), Porter (U.S. Patent 4,671,038) and Larrea (U.S. Patent 4,435,935). Although the examiner acknowledges (on page 4 of the Office Action), “Svenska does not show the joining profile and the lips when inserted into the groove, does not extend beyond the lower side, the joining profile is provided with a cheek section which is comprised by first and second independently resilient cheeks, which cheeks are provided with one tongue each, whereby each tongue is received by one notch each so that the adjacent floor boards are guided in a vertical direction, a distance between the distal end of the edge and the distal end of the shoulder is greater than the width of at least one of the cheek.” Svenska also lacks other teachings of the claimed invention.

For example, independent claim 1 defines the floorboards as including “a decorative top surface,” which is nowhere found in the Svenska reference. In addition, claim 1 as amended further requires that the “lips are parallel and each extend in the same direction . . . .” By contrast, Svenska clearly teaches that his lips are not parallel, but form an angle “V” of approximately 86°, which means that the lips are not parallel to one another; See, the first full paragraph on page 3 of the

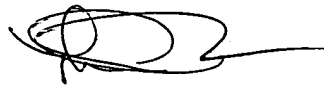
English language translation of Svenska, as well as Fig. 2 of Svenska. The reliance on the secondary reference Glover et al does not correct the foregoing deficiencies of Svenska. Although the examiner attempts to interpret the teaching of Glover et al (Figs. 5C-7), as showing a profile with a central cheek section which is divided by first and second independently resilient cheeks (104, 105), these cheeks ignore the limitation of claim 1 that each tongue terminates at its respective cheek and further that each tongue is received by said notch so that adjacent floorboards are fixed in a vertical direction. As clearly shown in Fig. 5C of Glover et al, the tongue is not received by said notch nor is there any indication that the panel system of Glover et al even contains a notch into which the tongue is received. Clearly, the purported tongues of Glover et al do not terminate at their respective cheeks. Accordingly, any attempted combination of Svenska and Glover et al frustrates the intended purpose and structure of each document and does not establish a *prima facie* case of obviousness for the claimed invention because a worker having ordinary skill in the art would not have been impelled to do what the applicant has done, i.e., to formulate a structure which is not suggested by the combination of Svenska and Glover et al. Furthermore, the combination with Larrea and/or Porter does not correct the foregoing deficiencies since Larrea (4 Fig. 1) does not contain the limitation recited in the present claims, i.e., a joining profile having upstanding and parallel lips extending in the same direction connected to a central section having an upstanding cheek portion. At best, Larrea only shows a mere clip having only part of the claimed structure and there is no evidence that one having ordinary skill in the art would have combined Larrea with the other references as suggested by the examiner.

Porter is even more further removed in not teaching a structure corresponding to that claimed. Porter is alleged to show a distance between a plane, including the distal end of an edge (edge of Part 26) and the distal end of the shoulder (edge of shoulder 18) being greater than the width of at least one of the cheek. However, in such a case, there are no upstanding lips and it is not even recognized how the Larrea reference would be proposed to be combined with the other references relied upon. For the foregoing reasons, a mere dimension as purportedly shown by Porter, is insufficient to suggest or disclose the claimed invention.

The alternative rejection of claims 6, 13-14 and 22-24 as obvious under 35 U.S.C. §103(a) as being unpatentable over Svenska in view of Glover et al is also untenable. Although Svenska is alleged to show a joining profile comprising two upstanding lips (11), these lips are not parallel and the citation of Glover does not correct the foregoing deficiencies.

For the foregoing reasons, withdrawal of all rejections and passage of the application to issue are respectfully requested.

Respectfully submitted,



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